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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,041	11/17/2003	Ian D. Burdett	2002U018.US	4284

7590 05/06/2004

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EXAMINER
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TESKIN, FRED M

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/716,041	BURDETT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fred M Teskin	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-36 and 45-55 is/are allowed.
- 6) ☒ Claim(s) 37-44 is/are rejected.
- 7) ☒ Claim(s) 56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>022304</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

Art Unit: 1713

Claims 1-56 are currently pending and under examination.

The disclosure is objected to because of the following informalities: a clerical error is noted at page 6, line 2: "product" should apparently read -producing-.

Appropriate correction of the specification is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the apparent lack of proper antecedent basis for the "120 microns" subject matter of claim 43. While the specification does provide a reference to "US 120 mesh" on page 14, it is not clear whether "microns" and "US mesh" are synonymous terms. Clarification and appropriate correction are required.

Claim 56 is objected to because of the following informalities: in line 2, "product" apparently should read -producing-. Appropriate correction is required.

Claims 37-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the following grounds for indefiniteness apply to the indicated claims.

(A) Claim 37 [and claims dependent thereon] provides the limitation to "the cycle gas density". There is inadequate antecedent basis for this limitation in the claims (i.e., claims 37/33).

(B) Claim 43 is ambiguous in the recitation "about 0 to ...". The use of "about" in this context creates indefiniteness, as it is not clear from the antecedent disclosure what values below precisely zero weight percent are intended to be covered, while values greater than zero are already embraced by the language "0 to about 2 ...". Clarification and/or appropriate correction are required.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Zilker, Jr. et al is cited as illustrative of analogous art relating to a process for transitioning from a first sticky polymer to a second sticky polymer in a gas phase fluidized bed polymerization reactor.

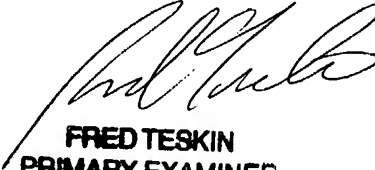
Lee, et al is cited to show the concept of introducing an amine-containing antistatic agent during production of ethylene (co)polymer in a fluidized bed reactor in the presence of a metallocene/alumoxane catalyst system.

Claims 1-56 are allowable in substance over the prior art of record. Examiner has not, as of the date of this Office action, located or identified any prior art document(s) that can be used to render a polymerization reaction transition process as defined by said claims anticipated or obvious to a person having ordinary skill in the art.

Any inquiry concerning this communication should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**FRED TESKIN**  
**PRIMARY EXAMINER**  
1713

FMTeskin/05-03-04